IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 5197 of 2004

Gopal Krishnan .. Applicant

Vs.

State of Maharashtra & Ors. .. Respondents

Mr. S. Malik for Applicant.

Mr. A.S. Shitole, APP for State.

CORAM: S.K. SHAH, J.

DATE : 24th April, 2006.

P.C.

Learned counsel for the Applicant states that the order impugned herein was passed by the Magistrate whereby the application filed by the accused No. 6 for recalling of the process was rejected. The order has not been challenged before the Sessions Court. It is settled position that when the alternative remedy is available such application is not tenable. The Applicant has not exhausted the remedy at the Sessions Court. Applicant shall resort the same. Application is disposed of.

(S. K. SHAH, J)